

**MINUTES OF THE
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-Seventh Session
May 9, 2013**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Pat Spearman at 8:03 a.m. on Thursday, May 9, 2013, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Pat Spearman, Chair
Senator Mark A. Manendo, Vice Chair
Senator Kelvin Atkinson
Senator Barbara K. Cegavske
Senator James A. Settelmeyer

GUEST LEGISLATORS PRESENT:

Assemblyman James Ohrenschall, Assembly District No. 12

STAFF MEMBERS PRESENT:

Carol M. Stonefield, Policy Analyst
Melissa Mundy, Counsel
Kaci Kerfeld, Committee Secretary

OTHERS PRESENT:

Ross Miller, Secretary of State
Scott F. Gilles, Deputy for Elections, Office of the Secretary of State
John Slaughter, Washoe County
Stacy Shinn, Progressive Leadership Alliance of Nevada
Jennifer Batchelder, Nevada Women's Lobby
Gary Peck, Executive Director, Nevada State Education Association
Jorge Adame, America Votes
Danny Thompson, Nevada State AFL-CIO

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Jim DeGraffenreid, Nevada Republican Party
Larry Lomax, Registrar of Voters, Clark County
Alan Glover, Clerk/Recorder, Carson City
Howard Watts III, Progressive Leadership Alliance of Nevada
Elisa Cafferata, Nevada Advocates for Planned Parenthood Affiliates
John Wagner, Independent American Party
Kevin Benson, Deputy Attorney General
Janine Hansen, Nevada Families

Chair Spearman:

I will now open the hearing on Assembly Bill (A.B.) 440.

ASSEMBLY BILL 440 (1st Reprint): Revises provisions relating to voter registration. (BDR 24-987)

Ross Miller (Secretary of State):

I am here in support of A.B. 440. There are two principles we can agree on. Only eligible citizens should be able to cast a ballot, but as many citizens as possible should vote. The ideal voting system should continually be moving in a direction that makes it easier to vote yet harder to cheat. Adoption of A.B. 440 would move us significantly forward in that direction. It would allow us to expand the voter registration deadlines in a secure and responsible manner. I recently returned from a National Association of Secretaries of State business symposium in Las Vegas where I had the opportunity to hear the Presidential Commission on Election Administration cochairs speak on the issue of election reform. The two cochairs are Bob Bauer and Ben Ginsberg. Ben Ginsberg was the attorney for the 2008 Romney for President campaign, and he oversaw the recount of the 2000 election in Florida. He is probably the most prominent Republican election attorney in the Country. Bob Bauer holds this position on the Democratic side. They spoke that, irrespective of party differences, everyone should stand for the proposition that there should not be any artificial impediments getting in the way of an individual's constitutional right to vote.

Nevada has the most restrictive deadline in the entire Country for mail-in registration. There is no reason for that to exist. It undeniably locks out eligible citizens from the process at a time when they are most inclined to register. Based on Department of Motor Vehicles (DMV) statistics, we estimate that over 600,000 Nevada citizens are eligible to vote yet are unregistered. Based on

those numbers and our voter registration totals, not even half of Nevada's eligible voting population cast a ballot in the 2012 election. Leading up to the general election, there were about 1.2 million registered voters in Nevada at the close of registration. After the registration cutoff, over 7,000 individuals registered to vote but were not allowed to cast ballots because of registration deadlines. That significant number may be even greater when realizing that all of the individuals who registered were likely aware that they were registering despite the fact that they would be unable to vote in the ensuing election and only be eligible in future elections.

Assembly Bill 440 eliminates the arbitrary registration cutoff deadlines when voters are most interested and engaged by allowing the registration deadline to move from 30 days prior to the election to the Friday before the election. We can do this now because of technology. The voter registration deadlines previously existed because we needed time to compare the list and ensure the individual's identity, proper residency and eligible citizen checks. With the spread of online voter registration and the fact that we have integrated many of the databases to automatically perform these checks, we can do it immediately. We can provide the exact safeguards that exist under this system but do it in a manner much closer to the election.

Another problem with the voter registration deadline is that people often procrastinate. They wait until the voter registration deadline; then they become engaged, fill out the forms and send them in. They know the deadline is coming because it is publicized, and there is oftentimes a huge pig in the snake's belly of the voter registrations that come into the clerks' offices. It is cumbersome for the clerks who have to input the data and have it ready in time for the election. This bill would allow the process to move forward and extend the voter registration deadline for online voter registrations, which are immediate and do not require additional work for the clerks. They perform the same checks and add the individuals to the voter registration rolls. This would provide a significant service to all. This is not a partisan issue. I have not seen any data that suggests moving the voter registration deadline closer to the election benefits one party over another. Democrats, Republicans, Independents and nonpartisans alike are locked down to the process with the voter registration deadline. There is no reason for it. This bill will address that problem.

Scott F. Gilles (Deputy for Elections, Office of the Secretary of State):

There is a potential amendment to A.B. 440 or A.B. 441 related to the delivery of sample ballots. It is a small amendment that would make significant steps to decrease the burden on the clerks and costs associated with printing and mailing the sample ballots. It is currently mandated that the clerks mail a hard copy of the sample ballot to all active registered voters. This is a large expense for Clark County. With this amendment under the procedures and guidelines dictated by our Office, we propose enabling legislation that would allow the county clerks to give their active registered voters a chance to opt out of the hard copy sample ballot and receive it electronically, whether by email or a hyperlink. That would result in saving money and paper. Washoe County and Larry Lomax in Clark County support this concept. It would be optional for the clerks and registrars to opt out or opt in to an email version provision. If acceptable, I can prepare amendments by the end of the day to be submitted to the Committee.

ASSEMBLY BILL 441: Makes various changes relating to elections. (BDR 24-814)

Chair Spearman:

How much do the stamps cost?

Mr. Gilles:

I do not have those numbers. The sample ballots come under different postage rates based on how the information is sent and the rates they use.

John Slaughter (Washoe County):

I do not have the breakdown of mailing cost versus printing cost, but during the last general election in Washoe County, we spent \$118,000 on printing and mailing sample ballots.

Chair Spearman:

As a former commander, I could be deployed on the spur of the moment. During that time, we did not have the technology we do today. There were times during my military career when I did not have an opportunity to vote because I was deployed and got back too late or missed voting day. Have you considered the impact of this legislation on military personnel, particularly the National Guard and reserve, which are still supporting the drawdown in Iraq as well as the war in Afghanistan?

Secretary of State Miller:

I have not seen any statistics on the potential impact that voter registration deadlines could have on military personnel. As someone who has traveled as part of a delegation to the Middle East and spoken with the troops about opportunities for voting, A.B. 440 would help address this significant issue. When serving overseas, voting is often the last thing on the troops' minds. When they have free time, they are on the Internet conversing with their families. Despite significant efforts to publicize voter registration deadlines with our military personnel, most of them come from many different jurisdictions. They may not be aware that if they live in Nevada, they need to register 30 days prior to the election. Many of them mistakenly believe registration can wait until the week prior to the election. In many states, that is the case. Nevada has the most restricted voter registration deadline in the Country. This bill would make significant gains in allowing our military men and women who are deployed overseas to vote.

Senator Settlemeyer:

Does Nevada also have one of the most extensive early voting periods or is that common throughout the states? In my community, over 60 percent of the people vote early. I understand that we have the most restrictive time frame for registering to vote, but do we also have one of the most expansive periods of early voting?

Secretary of State Miller:

I believe we do. The problem with measuring that is the lack of a clear definition of what early voting means. If you ask an ordinary member of the public what an early vote means, they would suggest that it means they are able to show up at a polling location prior to Election Day to cast a ballot. Many states have what they consider early voting, but that means you have to send in an absentee ballot or go to the clerk's office to cast a ballot. Nevada has one of the most expansive early voting systems in the Country.

Assemblyman James Ohrenschall (Assembly District No. 12):

Assembly Bill 440 came out of the Assembly Legislative Operations and Elections Committee. It started out as a bill that would have completely eliminated the registration deadline. The theory was that if someone is qualified to vote, there should not be an artificial deadline. The systems in place for voter registration are secure, whether online or in the clerk's office. The majority of the Committee asked the purpose of putting an artificial deadline in front of

someone who is a qualified elector. We had testimony in our Committee from Assemblyman Elliot T. Anderson who previously lived in Wisconsin. He was able to register on Election Day and vote in that election. To address concerns of some of the members, we removed the Election Day registration from A.B. 440. We have come to a reasonable compromise. We have extended the deadline to register to vote through the end of early voting so that if someone does get interested in the election during the early voting period, he or she may participate. It is important that people be able to register to vote during the early voting period and turn out to vote.

Senator Settlemeyer:

Did your Committee endorse the concept of same-day voter registration on Election Day? You did not go that far, but you have allowed same-day voter registration during early voting, enabling voting the same day.

Assemblyman Ohrenschall:

During the early voting period, yes. A qualified elector—someone who has all of the qualifications—would be able to register and vote during early voting. The voter would not be precluded just because of a missed, artificial deadline.

Senator Settlemeyer:

What was the reasoning not to extend it to Election Day?

Assemblyman Ohrenschall:

There was heartburn among some of my colleagues. Sometimes at the Legislature it is evolution, not revolution, and we need to take baby steps. With the security of our registration system, there would not be a problem with allowing same-day voter registration on Election Day. However, this is a good compromise. It allows registration up until 3 days before Election Day and allows people to participate in early voting, even if they missed the previous deadline. The statistics show that many qualified electors are not participating. During campaigns, we talk to people who miss the deadline; but if not for the deadline, they would be qualified to vote. There would be nothing else standing in their way.

Stacy Shinn (Progressive Leadership Alliance of Nevada):

Nevada is one of only 19 states throughout the Country with a fully implemented online voter registration portal. However, our online voter registration system is not reaching its full potential. The voter registration

deadline is an outdated requirement from times when paper registration was the only option, necessitating manual processing and confirmation. However, now that Nevadans have the opportunity to register online to vote and we are able to automatically confirm voter eligibility and add voters to the rolls, we no longer need the 3-week deadline.

Campaigning ramps up significantly in the last month before an election. Candidates, political groups and civic engagement groups spend a lot of time, energy and money reaching out to the public. Assembly Bill 440 ensures that these efforts reach every single person who wants to cast a ballot and nobody is unnecessarily excluded from the franchise due to engaging in the election during the last month before the election. Assembly Bill 440 is a commonsense next step, making full use of our modern online voter registration system to make elections in Nevada better with the highest possible participation rate by eligible Nevadans.

Jennifer Batchelder (Nevada Women's Lobby):

We fully support Assembly Bill 440. This will get many more people voting in subsequent elections and definitely help members of the military.

Gary Peck (Executive Director, Nevada State Education Association):

We represent 24,000 educators around the State. We support A.B. 440 as strongly as possible. Our members spend a lot of time and energy teaching our kids about democracy. A cornerstone of that democracy is the right to vote and the exercise of that right. Most people who do not vote cite their failure to register by the deadline as a reason. This is a commonsense next step and does not pose any significant threat of fraud. It is aligned with the values of people on both sides of the aisle. I strongly urge your support of this bill to expand the ability of people to exercise the important right in our democracy, the right to elect people to represent us in bodies like yours.

Jorge Adame (America Votes):

We support A.B. 440. This extends the online and in-person registration deadline through the early vote period. This gives eligible citizens the opportunity to register and cast ballots during the 14-day early vote period. With campaigning being most intense during the final weeks of an election, Nevadans would now have a greater opportunity to access the ballot and participate in an election. This bill will increase voter participation and enfranchise Nevadans who are disproportionately affected by voter registration

deadlines. A recent analysis shows that of all of Nevada online registrants in 2012—over 78 percent of them—registered during the last month. Of those, over 46 percent of the online registrants were under the age of 34. Recently, a study by the Massachusetts Institute of Technology and California Institute of Technology showed that one of the main reasons people do not vote is due to not meeting the registration deadline or not knowing where or how to register. In 2009, 18.1 percent of African Americans and 16 percent of Hispanics cited missing the voter registration deadline as a reason for not registering and voting in the 2008 election. We feel this would eliminate any confusing and outdated deadlines associated with the registration process and would urge your support.

Senator Manendo:

On the survey of people who missed the registration deadline to vote, did they actually register so that they could then participate in the next election or did they choose not to?

Mr. Adame:

I do not recall. I will look and provide that information to you.

Senator Manendo:

It would be telling if they did not register at all. I need that information.

Danny Thompson (Nevada State AFL-CIO):

We support A.B. 440. With our economy, we have had the highest unemployment rate in the Nation for a number of years. As a result, we have many Nevadans who are working out of state. In some of the local unions I represent, about 60 percent of the people are not working in Nevada. That creates problems for their ability to vote. An artificial deadline for voter registration is an example of what needs to be changed. In this electronic age, there is no reason that we cannot have this deadline moved. We support this bill because it will provide for more participation in the election process.

Jim DeGraffenreid (Nevada Republican Party):

We oppose A.B. 440. We believe this will increase opportunities for voter registration fraud. We agree with Secretary of State Miller that this is not a partisan issue, and that is the most important point to be made today. Most voters are honest individuals, but there are individuals who would manipulate a voting system to their advantage. These individuals do not know any party restriction. We all have an interest in ensuring the integrity of elections, and

I would ask the Committee to allow the system to continue. It is a good system that has extensive ability for absentee balloting and early voting.

Assemblyman Ohrenschall:

Voter fraud is extremely rare. Where it has happened, as in the well-publicized case in Las Vegas with the elderly lady attempting to show that the system was faulty, she was caught. The NRS, our Secretary of State and our county clerks have established excellent safeguards to make sure voter fraud is extremely difficult to perpetrate; if perpetrated, the culprits are caught and prosecuted. That is not a valid argument.

There is a feeling that this may benefit one party or another. I have done a lot of research on that. There is an excellent article in *The Atlantic* by Molly Ball. She looked at many states and concluded that this benefits whoever works the hardest. There were states where greater opportunities to participate in voting have expanded the GOP and states where such opportunities have enlarged the Democratic party. Anything that expands voter registration is beneficial. This does not favor one party, and we would not be subject to any more chance of fraud than we are now. The testimony has proven that is extremely minimal.

Chair Spearman:

I spoke to an 87-year-old constituent who was a platoon sergeant in the National Guard. I asked her if she thought this would assist the military. Her response to me is telling. She was deployed and thought the Guard would not get back before the first of May. Her group did not get back before the first of May but did get back the Friday before the primary election in June. She was responsible for 65 people, and none of them was able to vote. As someone who has served this Country for the right for everybody to vote, if nothing else, this does help her. Her exact statement was, "I think it would help. I do not see how it could not."

Senator Settlemeyer:

People in the military are different from the general public. If you want to entertain a motion that this bill only applies to the military, I could probably vote for it because that situation is different. The military needs to be awarded more opportunities to vote due to their service to our Country.

Chair Spearman:

Not only do they deserve every opportunity to vote, but people in the military are willing to lay down their lives so that everyone else can have the same opportunity.

Assemblyman Ohrenschall:

We have been working hard to make sure that our deployed military members will be able to vote. Assemblyman Anderson has looked at the uniform law and has proposed changes. Secretary of State Miller has worked hard to make sure that no one is disenfranchised because of military service. We are making great strides toward that. However, people are working multiple jobs in our civilian population to keep everything afloat and make ends meet. At the moment when people are fighting so hard, registering to vote may not be the most important thing in their lives. They get excited in the last 30 days when they see the debates and the political advertisements. They realize this matters and that they should participate. They should not be penalized because they missed an artificial deadline. Some people will miss it because they are not good at keeping track of dates, but an artificial deadline should not keep a qualified elector from participation. We are all equal in the voting booth—the millionaire and the person struggling to make ends meet; our one vote counts the same. To deny that opportunity because someone missed the deadline, either through negligence, struggling to survive or being overseas serving our Country, is not proper.

Chair Spearman:

If this were to pass, who would it help and who would it hurt?

Assemblyman Ohrenschall:

It does not hurt anyone. This bill increases the chance for people to participate, and it helps everyone in Nevada. The more people participating, the better off we all are. It troubles me when an election is decided by a small percentage of the people who are registered to vote, and that percentage only constitutes 50 percent of those people who could vote. A small minority of the population is making decisions about the elected representatives. Expanding opportunities to register and to participate benefits everyone and does not hurt anyone.

Chair Spearman:

I will now close the hearing on A.B. 440 and open the hearing on A.B. 441.

Assemblyman James Ohrenschall (Assembly District No. 12):

Assembly Bill 440 and A.B. 441 are in the same vein. Our Assembly Committee on Legislative Operations and Elections looked at increasing participation and turnout and removing obstacles for people to participate. For those of us who live in Clark County or Washoe County, we have become spoiled in recent election years by how easy it is to participate in early voting. In Las Vegas, I can show up at the Boulevard Mall, the Galleria at Sunset, the Meadows Mall or a portable voting site. It does not matter what part of town I turn out in, because I can vote in any area. It is the same situation in Washoe County. The clerks have made voting easy and removed obstacles. Many of my Committee members felt that was a good thing.

On Election Day, however, the old system is used and voters must turn out at the polling place prescribed in their area. There are positive sides to having a polling place in your area, unless you work on the other end of town and cannot make it in time. The other thing causing concern with the Election Day system is when voters show up at 6:45 p.m. at the location they have been voting at for the last 10 or 15 years only to be told that their polling place has changed and they have to vote somewhere else. There is no guarantee they will make it in time. These people really want to vote, and they are upset. It is possible for them to vote a provisional ballot, but that could shut them out of races in which they are interested.

Assembly Bill 441 is permissive and does not mandate anything. It would allow the county registrars to establish voting centers on Election Day if they choose. Voting centers are similar to how early voting works in our two large counties. Anyone from anywhere in the county could show up and vote. It would not matter what part of town you live in; as long as you turn out to a voting center and are qualified and registered to vote, you would be able to participate on Election Day. We would no longer have the scenario of someone showing up at 6:45 p.m. to be told he or she is at the wrong polling place and has to drive to another location. Assembly Bill 441 is permissive. All counties do not have to do it, but those counties that do would expand opportunities for people to participate in our democratic process.

Chair Spearman:

One of the concerns that usually comes up when discussing this subject is fraud. If we have voting centers on Election Day, how does that differ from what we do during early voting, and would that increase opportunity for fraud?

Secretary of State Miller:

This would not increase the opportunity for fraud whatsoever. The early vote system is tried and tested, and we use it throughout the State. It is popular and has significant safeguards. During the last election, someone attempted to vote twice, and the safeguards detected it. We are proposing the same system that is in place during the early vote. People would be able to show up at vote centers on Election Day, as opposed to their precincts, and be able to cast full ballots.

Larry Lomax (Registrar of Voters, Clark County):

During early voting, every voter is immediately entered into a database. If that person goes anywhere else to vote, the database indicates the voter already voted. If we changed to a system with early voting centers, the early voting centers would put the voter's name into a database. If the voter subsequently went to the assigned polling place where his or her name is in a roster book, there would be no way at the polling place to know the person had already voted at the voting center. However, it would be easily detectable after the election because we audit everything. It would be immediately apparent that the voter had voted at two locations. Although this system would allow it to occur, the system would also ensure that the duplication would be caught.

Chair Spearman:

Would this system catch fraud more efficiently than the current system, or is the opportunity to catch perpetrators equal?

Mr. Lomax:

This system is different and cannot be compared with what we do today. There are two different methods of voting occurring at the same time. On Election Day, you have to go to the location where your name is preprinted in a roster book. We match your signature with what is in a roster book. Under the proposed system, you would have the option to go to a voting center. Any voter could go to the center and have his or her name pulled up on a computer, match signatures in the same manner and then vote. However, if your goal is to commit fraud, you could then go to the polling place where your name is printed in a roster book, and the poll workers would have no way of knowing that you had voted at the voting center. After the election when we audit, it would become immediately apparent that the same person voted at the polling place and the vote center.

Senator Atkinson:

Where would the voting centers be?

Assemblyman Ohrenschall:

The county registrar would decide where the voting centers are placed. It would not be a political decision.

Senator Atkinson:

Will people still have to get from the wrong voting location to the voting center? They would still have to go somewhere else to vote, as they would if they were at the wrong location. At early voting, the machines are set up where you can be anywhere and vote. Why would we not just put one of those at each polling place? That would allow someone who has shown up at the wrong place to vote on that machine, as the person would if he or she were at an early voting center.

Assembly Ohrenschall:

This bill cannot solve all the problems. A county voting center would be publicized in the paper, on the Website and possibly on the radio. The Clark County Election Department puts up billboards and does a lot to advertise the early voting period and early voting locations. Hopefully, people would be informed that on Election Day, they can go somewhere else that is more convenient. The person who shows up at 6:45 p.m. at the wrong polling place still faces the same challenge, having to run to the right polling place or to a voting center. What you suggested, Senator Atkinson, is a great solution. I would love to see Election Day be like early voting where people can show up to any voting site. I believe A.B. 441 would help that happen.

Secretary of State Miller:

One of the basic barriers for allowing that to occur is that on Election Day, there are paper rosters. It is not feasible to have the over 1 million voters in Clark County on a roster. The reason that occurs during early voting is because all of the polling locations have laptops with e-poll book capability. We would have to expand and put laptops at every location in the State in order for us to eliminate precinct-based voting as one of the basic barriers. That is very costly. Unless that is considered, it is a significant barrier.

Mr. Lomax:

Voting centers are an excellent goal for the future. It is the best way to vote, by essentially having centers similar to those during early voting on Election Day. That would make it easier for everyone. However, that is a long-term goal. A lot of costs are involved, and connectivity to a database at every location is required. It is a good idea to allow us to put some vote centers in place because if a person moves and fails to update his or her address, that person can only vote at the address registered. For example, if I live in Green Valley in Clark County and move to Summerlin but forget to update my address and voter registration records, I would have to drive from Summerlin all the way to the other side of town in Henderson to vote. This bill would allow us to put a few vote centers around the community, allowing people who have moved and failed to update their addresses to go to vote center and vote. This may not solve the 6:45 p.m. problem, but it could solve the 6:30 p.m. problem. It gives someone a much closer location to go to than otherwise.

Assemblyman Ohrenschall:

The City of Henderson is utilizing voting centers in its municipal elections, similar to what we are proposing in A.B. 441. This bill is entirely permissive. A county clerk can choose whether to implement this. If counties want to do this, they can build it to work for them.

Melissa Mundy (Counsel):

Under section 7, subsection 2, the county clerk is required to prescribe a procedure that would be approved by the Secretary of State to determine that a voter has not already voted.

Mr. Lomax:

There is no way to do that. It has to be something that is caught during auditing.

Alan Glover (Clerk/Recorder, Carson City):

We are in favor of voting centers. Carson City might be the best place to try this because we only have two polling locations—we split half of the precincts in one and half in the other, and we have connectivity between the two of them. We have not made a final decision on whether we want to do this or can do this, but we would probably be the easiest county. We could probably do this to prevent the problem in Clark County and Washoe County.

I will give you a scenario of how you could scam this system. Take a person who registers on Friday of early voting but does not vote early; this person votes on Election Day at a super polling place and then goes to the assigned precinct. As identification, the person could use an out-of-state driver's license and a rent receipt to register. This individual could vote in two places and then leave town. You would probably have trouble ever catching this person, because he or she is not physically within Nevada and you do not know the voter's whereabouts. This bill is permissive. If it is passed, we can work out a lot of the problems. Carson and some of the smaller counties may be the best place to try this and see how it works. We might add the Carson City Courthouse where we conduct early voting as well. Instead of people coming into the wrong polling place and having to go all the way across town at 6:45 p.m., we could allow them to vote right here. It does have some dangers, but the clerks and registrars can work them out. Not everyone may jump into this because it is so different, but it can be done.

Secretary of State Miller:

Under the hypothetical situation Mr. Glover gave, the same thing could arguably occur under the existing system. We are not changing anything. We get around 12 double-voting cases every election cycle. We investigate them, and to the extent practical, we prosecute them. The key is that irrespective of the system you develop, there will be potential for abuse if people are intent on doing so.

Chair Spearman:

We initially understood that there would be e-poll books at every location across the board, around five or six at every polling location. Were you talking about taking e-books we have now and putting them at polling stations so you could double-check that?

Senator Atkinson:

There are ten machines at my voting center. Why could one of them not be set up like you would set it up during early voting, so that if someone did show up there who was not supposed to vote there, he or she could vote on that machine? Secretary of State Miller says there is printed data, so the poll workers would be unable to verify double-voting. If you set up an e-poll book at a center that way, then that information and data needs to be at that center as well. Maybe there are just too many polling sites. It sounds like it would be too expensive to put one at each site because there are too many of them at this point. I do not know how many locations there are.

Mr. Gilles:

We are referring to the hardware and connectivity to implement this type of electronic poll book. The database housing all of the voters is unrelated to the actual voting machines. This is more about the hardware, the laptops and when the voter checks in to vote. It is not an issue of programming certain machines or having certain voting machines at certain locations. It is a matter of having the regular precincts connected via an entire county database. All of the precincts will need laptops. The number of laptops would depend on how many voters that precinct serves and the real-time connectivity to verify that someone has voted at a vote center in the center of town. It would then show in the Clark County database, and poll workers would be able to verify that when this person tried to vote at his or her actual precinct. Because you neither have the connectivity nor the electronic poll book or laptop technology at the precinct, it is a paper-based system. When someone votes downtown, it is not immediately detected at the precinct unless the connectivity and hardware necessary to accomplish that exists. When we quantified the fiscal impact for Senate Bill (S.B.) 63 in mandating electronic poll books at all polling locations, the number of laptops required would depend on the precinct. There were around 400 to 500 laptops needed for Clark County, and we would double that number to make sure we had backups.

SENATE BILL 63: Revises provisions governing the administration of elections.
(BDR 24-384)

Chair Spearman:

What would the ballpark figure be if we did this in Carson City?

Mr. Glover:

Are you asking what the cost is for electronic poll books or connectivity between the two? We have no problem that money will not solve. If we had a lot of money, we would all have electronic poll books. They speed up the process. They cost around \$3,500 each. For Carson City, we would need around \$500,000. Connectivity is not a problem in Carson City because we have that between our two polling sites. If we look into using the Courthouse as an additional site, our No. 1 priority will be to ensure connectivity between the Courthouse and our two sites so we can pass data back and forth. It is a much bigger problem in Clark and Washoe Counties, or maybe even some of the rural counties where areas are widely spread out, such as in Elko and Nye Counties.

It is a matter of money. Electronic poll books are the answer, but they are pricey.

Howard Watts III (Progressive Leadership Alliance of Nevada):

High voter turnout is a fundamental quality of fair elections and is generally considered to be a necessary factor to the continued health of our democracy. Voting centers are a reliable way to increase turnout. In a 2008 study of vote centers in Indiana, this method of voting was shown to increase voter turnout by over 10 percent. Vote centers give voters access to polling places close to where they live and work. It reduces congestion at the polls, and it reduces the effort and cost associated with voting. In Nevada, only 57.1 percent of eligible voters turned out in 2012. We have to do something to increase the representativeness of our electorate and ensure that all Nevadans have an active role in government. As a proven way to increase turnout, vote centers are a practical way to make casting a ballot more accessible for busy and mobile Nevadans. Ideally, we would love a system of many centers all over where you could vote at any one of those centers, no matter where you were. The cost is prohibitive. This language allows the counties to choose how far they want to proceed in that direction. Without this bill, there is no chance to move in that direction. This opens opportunities for each county to decide how it can bring greater accessibility to the voters in the county.

Ms. Batchelder:

We fully support this bill.

Mr. Thompson:

We have employees who work in Tonopah and live in Las Vegas. Tonopah is 220 miles away. This would be a solution to that problem. The only question on this bill is the cost, but the price of technology is decreasing. I was in this building all day yesterday, and I was able to make my house payment and buy three GPS dog collars on my cell phone. There is no question that this is doable. The Legislature will not be back in session for 2 years. In 2 years, the advancement in technology will be unrecognizable. The technology will catch up to the cost. There is no question that everything is going this way. We support this for all of those reasons, and it makes voting more accessible.

Elisa Cafferata (Nevada Advocates for Planned Parenthood Affiliates):

We also support this bill. We work with many women, especially around issues of health care and getting them registered to vote. We talk to people of all ages,

some facing their first election and the first time they have been involved. We are in favor of anything we can do to make it easier. We support the concept of the vote centers, in particular accessibility on bus lines and flexibility on hours to accommodate people with their schedules.

Mr. Peck:

I am testifying on behalf of our 24,000 members around the State who are Republicans, Democrats and Independents. This is not a partisan issue. This is another bill that would expand the franchise without posing significant dangers of voter fraud. Anything that does that is consistent with the values of people on both sides of the aisle. It is integral to a healthy democracy. This practical and not-too-costly first step moves toward more expansive voting centers, what we all agree would be a good thing.

Mr. DeGraffenreid:

We agree with the concept of this bill. We think it is an excellent idea to have centers that allow people to participate more easily, just as they do in early voting now. From testimony today, it sounds like the technology is lacking in order to do this. We agree that Nevada has made voting easy via absentee ballots and early voting and we should continue that until the technology can catch up with the intentions of this bill. Mr. Lomax indicated that a requirement in the bill in section 7, subsection 2 could not be met. That may be an issue. Vote centers are a good long-term goal. We agree that once the technology and security issues are addressed, we should move in this direction. Until that time, we recommend staying with the current system.

Chair Spearman:

Is your objection that the technology or the cost of the technology is not equal to the goal of this bill? If there were a way to offer an amendment that would put other steps in place while the technology catches up, would you be in favor?

Mr. DeGraffenreid:

The problem is the technology. As Secretary of State Miller indicated, having 1 million names on a paper roster is obviously not doable. Others testified about the cost being prohibitive to put the computers and connections in place. If those things can be addressed, then this is a worthy goal.

Chair Spearman:

Based upon that information, would you or the sponsor of the bill be amenable to an aspirational amendment?

Mr. Gilles:

I would have to talk to the sponsor of the bill. We could look at a way to make this more feasible and more palatable for those in opposition. I do not see the need for it, as it is a discretionary bill. The clerks know what they are doing, and they will develop a plan. We will make sure it fits our regulations and is done correctly. We are willing to look at all options, but I do not see the need to whittle this down any further based on the fact that it is an optional step for the clerks to take.

John Wagner (Independent American Party):

In the example that Mr. Glover mentioned, the voter would have voted twice. I am assuming that both of his or her votes would have counted and been fraudulent. If enough people did this, it could sway an election. If we could separate that out, it would be good legislation. The bill is okay as it is, except the particular portion that Mr. Glover brought up.

Chair Spearman:

Mr. Lomax indicated that although voters may do that, because the clerks validate and verify all of those votes, it would be caught.

Mr. Glover:

This is a permissive bill. If passed, it would allow the counties to work out the details. We will not establish a system that would allow people to vote more than once. Due to the size, this could take more time in Clark County. However, if we implemented this in Carson City, it would be a pure extension of early voting. It is a matter of getting enough laptops to set it all up. County clerks or registrars would not put a system in place that would allow people to vote more than once.

When someone votes during early voting, we enter the name and the computer identifies the precinct. We activate the card for that precinct and that person votes in the proper voting style. Those names are then posted to our records that they have voted. We spend several weeks afterwards posting all of the people who voted. We like early voting because half of the people are already posted, and their voting histories are entered onto their records. That is one of

the big advantages we want to examine. This bill would not force us to do something that opens the opportunity for fraud. It would simply allow us to try this and see how it works. If it is a total failure, we will not do it again.

Mr. Lomax:

In one sense, having vote centers is no different from our practice of allowing voters to go to any polling place in their Congressional Districts if they do not want to go to their polling places. They could vote provisional ballots even while their names are still in roster books at other polling places. We have not experienced any fraud. There have been two or three cases where people have voted provisionally and then gone to their polling places, but we have been able to catch those. Setting up a vote center essentially gives people the ability to vote full ballots if they cannot make it to their polling places instead of forcing them to vote provisional ballots. It would be faulty to assume any additional fraud just because the possibility is there. If somebody does decide to vote at both locations, we have his or her name at both locations; we identify that and turn the voter over to the Secretary of State for the task force to prosecute.

Mr. Gilles:

Assembly Bill 441 expands what the clerks do during early voting to Election Day. It is optional and does not result in standard polling places being shut down; they will operate as normal. This simply provides the clerks with a tool to provide more access for voters to vote on Election Day. Polling places would be common locations where anyone at the county can vote and provide more opportunities for people to vote. This is a good thing that has worked in other states. The Secretary of State supports this bill.

Chair Spearman:

I will now close the hearing on A.B. 441 and open the hearing on A.B. 48.

[ASSEMBLY BILL 48 \(1st Reprint\)](#): Makes various changes relating to elections.
(BDR 24-383)

Mr. Gilles:

Assembly Bill 48 makes technical corrections and cleans up NRS 294A, which is the campaign finance chapter. A handful of provisions do result in slight policy shifts. The goal with the vast majority of these changes is to clarify, simplify and shorten NRS 294A by removing duplicative provisions, condensing unnecessary language and generally trimming the fat from this chapter. As all

know who have filed contribution and expense reports, NRS 294A is a bear as written.

This bill has two policy changes in campaign finance reporting. The first adds one additional report prior to special elections. There is little disclosure prior to a special election. This bill would ensure that the candidates and others who raise and spend money prior to a special election would report in exactly the same way as a primary election or a general election—that being a report 4 days before the start of early vote for the special election and 4 days before the actual election, just like our standard election reporting cycle prior to the primary and general elections. Those filing reports related to special elections still retain the final report due shortly after the special election but not the end-of-the-year annual report that a typical primary-general election cycle would have in place.

The second policy change increases the reporting threshold from \$100 to \$1,000. This is for those who make independent expenditures and PACs, political parties, and committees sponsored by political parties. This does not address the reporting threshold for candidates and/or the people who are making contributions to candidates. That threshold is still \$100 for the itemization of those contributions and expenses. This applies to the third-party groups that are involved in elections. Currently, those who make independent expenditures—which includes any individuals, nonprofit corporations or other groups that have to file contributions and expenses reports if they make independent expenditures—have to itemize each contribution and expense of over \$100. With this change, the reporting obligation will not trigger until a contributor has spent \$1,000, and the contributor will only have to itemize each contribution and expense over \$1,000.

This change is designed to address the concerns we have heard over the years from persons in groups who spend very little money during elections and are not readily familiar with Nevada's campaign finance laws yet are still required to file contributions and expenses reports. Those groups have consistently complained that the current reporting threshold has had a chilling effect on their contributors, and by extension their political speech, because donors of \$100 or more must be disclosed with name and address information. The \$1,000 reporting threshold is the same long-standing reporting threshold for PACs that advocate the passage or defeat of ballot questions. This is not a revolutionary shift in the reporting threshold. The change creates uniform

reporting requirements for all groups and persons in elections who are not candidates. This threshold change will still require groups that spend significant and relevant money in Nevada on Nevada State races to report the source of their contributions and how they are spending their money while at the same time respecting the privacy of smaller donors, which has been a concern addressed to our Office and to this Committee multiple times over the years. The changes in A.B. 48 do not affect the reporting threshold for candidates. It only applies to those persons making independent expenditures, PACs, political parties, committees sponsored by political parties, and other groups that raise and spend money during Nevada's election cycles.

Throughout NRS 294A, we are removing the distinction of a city election. Now that the Secretary of State is the sole filing officer for all contributions and expenses reports, and since the scheduling for filing all contributions and expenses reports are identical regardless of the type of election, there is no longer a reason to make the distinction of a city versus a regular election throughout the chapter. This would allow us to repeal an entire statute, NRS 294A.360, which reiterates the same reporting requirements for those city candidates. We have also taken out references to state, county, district or township candidates. All candidates are handled identically by the statute with respect to when they have to report and their thresholds, so there is no need to continually draw that distinction to a candidate who is at a local, city, county or township level. Getting rid of unnecessary language throughout the chapter would help clean up and streamline the chapter.

The primary statutes that dictate reporting requirements—NRS 294A.120, NRS 294A.140, NRS 294A.150, NRS 294A.200, NRS 294A.210 and NRS 294A.220—are the longest statutes in the chapter. Similar changes needed to be made to each of these statutes, and the changes that I mentioned make up a large portion of a large bill. The changes to those sections are mostly cleanup: removal of type of office distinction; removal of city race distinction; and revision of the reference to campaign contribution to just contribution. Contribution is a defined term, and campaign contribution is not a defined term. There is no reason to have the two separate references. One of the bigger changes in trimming the length of the statutes is that we have condensed the duplicative reporting schedule that set one section after the other, for elections that happened prior to July 1 and elections that happened after July 1. The dates and the deadlines are all related to a certain amount of days before an

election, covering a certain number of days before early vote. There is no reason for these two identical sections.

Throughout the chapter, repeated unnecessary directions to candidates and others filing reports have been removed, specifically that reports must be submitted to the Secretary of State on the Secretary of State's form and signed under penalty of perjury or an oath to God. These requirements still exist; the unnecessary restatements have just been removed and replaced the general reporting requirements into one section so it clearly applies to everyone. We have also taken a step to define the term "independent expenditure," so the chapter will clearly state what that reference means and clarify exactly what constitutes an independent expenditure. The only difference is that we define the term here to avoid ambiguity as to when that term is used throughout the chapter. The definition we have included in this bill reads:

"Independent expenditure" means an expenditure which is made by a person who is not under the direction or control of a candidate for office, of a group of such candidates or of any person involved in the campaign of a candidate or group and which is made for or against a candidate or group and is not solicited by, approved by or coordinated with a candidate or group.

That language exists in NRS 294A and is also reiterated in a few other places. We want to position the definition so that people understand and have a reference to what it means when the term "independent expenditure" is used. This definition should end further confusion as to what the term means. To be clear, the definition represents no expansion or change as to how the Secretary of State's Office has interpreted an independent expenditure in the past when enforcing the reporting requirements of this chapter.

With the exception of the additional special election reports and the increased reporting threshold for third-party groups, we do not believe our changes make any substantive policy changes to the requirements of the chapter and how we have enforced it in the past. I hope the Committee will see these changes for what they are—cleanup changes to streamline the chapter.

Senator Cegavske:

Is there a new disclosure where you have to identify the candidate whom you are supporting or opposing?

Mr. Gilles:

No. There is not a requirement to distinguish whether it is for or against a candidate. When we deal with independent expenditures and expressed advocacy in these types of issues and campaign finance, we do not treat an attack ad or positive ad any differently.

Senator Cegavske:

You are not defining what groups would have to do on the mailers?

Mr. Gilles:

This does not change what groups do regarding independent expenditures or the contents of those independent expenditures. It is clarifying the definition. Although not addressed in this bill, NRS 294A.348 has those types of disclosure requirements paid for and authorized by the candidate.

Senator Cegavske:

Does that include the third parties?

Mr. Gilles:

Yes.

Senator Cegavske:

Would the third parties have to disclose whom they support?

Mr. Gilles:

Yes, they would have to disclose who paid for what candidates or groups.

Senator Cegavske:

Do they have to disclose the candidates' names, for or against?

Mr. Gilles:

Not in the required disclosure. Typically, the content of the materials will identify whether it is an attack or a positive ad.

Kevin Benson (Deputy Attorney General):

This is unlike the Federal Election Commission (FEC) reports that independent expenditure committees file, which have a box to check as to whether the particular expenditure being reported was for or against a candidate. You would check either box and write in the candidate's name. This does not do that. This

attempts to redefine the description of independent expenditure so we can take the long description out of the statute and put it in one place in the statute. The group still has to disclose who paid on the expenditure. That is your link to find the reports later, and the group has to disclose how the money was spent on the reports. That is a relatively more narrow disclosure than what the FEC requires, and we do not have the for or against box.

Mr. Gilles:

I will now go over the election administration changes this bill addresses in NRS 293. A lot of this is cleanup. Section 1 adds two explicit criminal law violations. The two violations are voting or attempting to vote knowing you are not a qualified elector and voting or attempting to vote under someone else's name. Having discovered no explicit codified violations in NRS 293 for this activity, we felt it needed to be changed. The penalty for violating either of those two statutes is a Category D felony, which is in line with many of the other criminal penalties in the chapter.

Section 2 attempts to clarify the procedures by which candidates are nominated for nonpartisan vacancies that occur prior to the deadline to change the ballot. These changes concerning any vacancies in a nonpartisan office between the candidate filing period and the deadline to change the ballot—which is the fourth Friday in June—ensure that the open seat goes on the ballot the following election even if that term is not up yet. Additionally, the candidate filing period for that office will be the very last week, which starts the third Friday in June and ends on the fourth Friday in June. In the past, there have been some nominating petition requirements. The number of signatures you needed would depend on the turnout for that particular election the last time it was up. This practice resulted in some varying and different requirements for collecting signatures. Last election cycle, we had two district court vacancies in Clark County. Because of the differences of when the office was originally elected, about a 3,000- to 4,000-signature difference existed between one office versus the other. We now have a filing period for these vacancies. We hope that is cleaned up with our change.

The statute reads that certain provisions—like filing fees, need for a declaration of candidacy, residency requirements, written challenges and how independent candidates are handled—are not applicable for a special election; this can be problematic for the clerks to administer candidate filing and candidate filing fees, all those normal procedures. The change in section 4 would require that all

those things apply if the special election falls on the normal general primary election days.

Section 8 extends our agency's deadline to adopt regulations before an election from December 31 to the last day in February during an election year. We are required to have those regulations adopted and approved by the Legislative Commission prior to December 31 if they are to be effective for the upcoming election cycle in an even year. The reason we ask for an additional 2 months is that we cannot begin the process of preparing and drafting regulations until new legislation from the previous session is codified. Then we have to review and prepare sizable regulations for submission to the Legislative Counsel Bureau that also need time to review and make drafting changes. We have to have a public workshop, an adoption hearing and then the Legislative Commission approval. That makes the timeline of December 31 difficult, especially in years like 2011, when we had a special election and redistricting. We had a hearing in Las Vegas on December 30, and our adoption hearing on December 23. People were not thrilled about being involved in that during the holidays. It was a time crunch to get the Legislative Commission to meet and hear the regulations. We would like to have an additional 2 months to ease the time burden. Resulting regulations will only be effective as of the date of adoption and passage by the Legislative Commission. There would be no retroactive applicability to any events that happened prior to the end of February.

Section 9 of this bill clarifies what is already supported by federal law in that someone who registers and has the driver's license verified does not have to show identification the first time he or she votes. Our revision would clarify that it is someone who registers online. In Nevada, online registration requires both a driver's license and a social security number verification. Those persons would not have to show identification the first time they vote. Online registration is more secure and accurate in that the registrant's name, driver's license, social security number and date of birth are all automatically verified with the DMV. All of those pieces of data need to match before you can get that verification online and actually be registered.

Chair Spearman:

Basically, someone registering online is verified two times—that he or she is the person with the driver's license and the social security number. Is that the connectivity you have with the DMV?

Mr. Gilles:

Correct. With the DMV verification automatically performed online and the signature brought over from the DMV to the clerk's records, there is no reason to have that person again show an ID on Election Day. It essentially matches the handling for someone who registers by mail and provides a driver's license.

Section 12 extends online voter registration an additional 10 days which equates to the current last 10 days of the walk-in only registration period. This would allow someone to register online during that time as well. Clark County has a hard-wired computer; if someone appears in person to register in Clark County, that individual is given the option to register online at the computer. That computer will not block the person from registering like any other computer would.

Chair Spearman:

Would this be a secure and valid way to go? What you are recommending extends online voter registration. How is that different than what we talked about in A.B. 440?

Mr. Gilles:

As far as security and administration, there is no difference between this bill and A.B. 440. The online registration does not require work by the clerks. It is the safest and most accurate way to register because of the verification process. The distinction between this bill and A.B. 440 is that we have added 10 days of online registration during a registration-in-person period. We have not extended the drop-dead registration deadline. Assembly Bill 440 extends online registration through the last Friday of early voting right before the election. We have the quantified 10 days in our bill, an additional 27 days in A.B. 440 for online registration plus the 17 days for walk-in registration.

Senator Cegavske:

I noticed that you had taken out quite a bit of language and replaced it in a different section. Why was that taken out of certain sections and then replaced in other sections?

Mr. Gilles:

The earlier sections reiterate some of the filing requirements for the candidates that relate to filing on a form prescribed by the Secretary of State to schedules where it is before or after July 1. Much of the material taken out of earlier

sections as far as the reiteration of reporting requirements under penalty and perjury was removed from all of the reporting statutes. The idea is that NRS 294A.3737 is the one place for all of that information. Those reporting obligations that candidates and all parties have under statute have not been aggregated at all; they have just been consolidated into one reference.

Senator Cegavske:

I just wanted to make sure that I understood it correctly. There was quite a bit changed out and put into other places.

Mr. Wagner:

A few areas are questionable. We are an independent party and select our candidates nationally. Our national convention may be over Labor Day weekend, and that would mean we have to file candidates before we nominate them. We do not agree with that and would prefer to keep the bill the way it is now. By the first Tuesday of September, we will know our candidate, but we may not know earlier than that. For that reason, we would like to see those sections left alone.

With regard to section 8, the regulations for candidates, changing from December 31 to the last business day in February, would be problematic. We need to know the regulations before we file, not afterwards. If we made the date January 31, that gives an extra month. We have our state conventions barely after that and before the filing of our candidates. We need to know the rules before we go and not afterwards.

Section 9 talks about a fifth Sunday. If you look at statute, that may have been thrown out. If the fifth Sunday is in October and the third Tuesday before the election is to be in October, now you have a time frame. It seems to me that the dates are convoluted. Sections 30 and 34 talk about raising threshold expenditures. We think that good idea should also apply to candidates. We have to trust our elected officials, and \$1,000 is not that much anymore.

Janine Hansen (Nevada Families):

We have been advocating for years for an increase in the \$1,000 threshold. We first advocated that for petition campaigns to avoid what happened in California, where people were targeted for abuse because of their minimal \$100 contribution. We appreciate the reporting increase of independent expenditures for political action committees and political parties up to \$1,000.

We also continue to advocate that change for candidates. When I was running for election, people would ask about the limit. They belonged to another political party and did not want their names on the Secretary of State's list as giving to me because I was not a Republican, but they wanted to support my campaign. They would not give me over \$99 because they were fearful.

There is a basis for the problem with that. In the United States Supreme Court in *National Association for the Advancement of Colored People v. State of Alabama*, 357 U.S. 449, 78 S.Ct. 1163, and in *Buckley v. Valeo*, 424 U.S. 1, 96 S.Ct. 612, there was a recognition of the persecution that takes place for nonmainstream political organizations. The court provides that because of potential persecution, minor political parties do not have to comply with the Federal Election Commission reporting requirements. To this day, the Socialist Party does not expose its list of donors and is exempt from Federal Election Commission filings under the ruling. That is because the Socialist Party has been subject to persecution. During the 2004 Axe the Tax referendum petition, a business owner in Lake Tahoe gave us money. He subsequently lost all of his contracts with the casinos because he gave to that campaign. We have candidates who have been fired from their jobs because they are Independent Americans. My brother was in a law firm, and because he took a particular stance on a political issue, he was told he either had to withdraw or get out of the firm. Other people have also been significantly persecuted because of their affiliation with a minor political party, the Independent American Party.

Chair Spearman:

Do you have any factual proof of the statements you made?

Ms. Hansen:

I have affidavits that I have submitted to the Secretary of State, and I can follow up with other things. We greatly appreciate the increase to a \$1,000 threshold. Section 14 states that a "committee sponsored by a political party" means any committee, group or organization that is officially affiliated with a political party and makes contributions to candidates or persons. We were invited to go to a Republican Party women's club in Douglas County, and members said that they raise and give donations to candidates. My concern is in section 54. It is not listed in the summary of the bill, but this adds political parties and nonprofit corporations to the list of people who are subject to a \$5,000 fine. I am assuming that also includes affiliated

organizations such as a Republican women's club or a Democratic women's club.

We do not have an accountant or a lawyer in our political party to make sure we are in compliance. Now contributors will be, for each violation, possibly subject to a \$5,000 fine. My concern in reading this is that it says after giving notice to "a candidate, person, committee, political party or nonprofit corporation" that the Secretary of State can cause "appropriate proceedings to be instituted." If contributors were not aware, made a mistake or were a volunteer group that did not understand, then does after giving notice mean that those parties get a chance to comply, or does this mean that the Secretary of State immediately takes them to court? I am concerned about small organizations affiliated with a party that may be subject to a \$5,000 fine. This has not been the case in the past—this provision is new in A.B. 48. It is hard to decipher exactly what the provisions mean sometimes. That may subject other people to the possibility of a \$5,000 fine.

On page 54 of the bill, line 3 removes the section "the Secretary of State must obtain the advice and consent of the Legislative Commission before making a copy of, or access to, a form designed or revised by the Secretary of State pursuant to this section available" This is in this bill because the Secretary of State put additional items beside those things that were approved by the Legislature. I do not believe it was Secretary of State Miller, but additional items are in the reporting requirements that were not required by the law. This provision was placed so the Legislature would have authority to review the reporting requirements. That is a good check, as these are in-depth reporting requirements. We like that and would like to have it remain.

Mr. Gilles:

We moved the deadline for a minor party to submit its Presidential nominee during the Presidential election years back 1 week. If this bill becomes effective, those parties have from January 1 through the last Tuesday in August to submit that nominee. The Independent American Party submitted its nominee on June 25 in 2012. The Party could have changed up until the first Tuesday in September.

The reason for this bill is related to us having a final list of who is to be on a ballot. We have to get that information to the clerks so they can have their software people finalize and produce their ballots to get to the printer. The

printer prints the ballots for delivery to the county clerks so the ballots can be mailed off by one of the primary deadlines and election cycle dates, the 45-day deadline to get out ballots to our military voters. That deadline was September 21, 2012, in the last election cycle.

The major parties do not have an explicit hard-date deadline for submitting their Presidential nominees, and I do not suspect any effort by our Office may change that anytime soon. We get that finalized list from the incumbent party the day after the conclusion of the convention, which the parties keep pushing back further and further, despite requests from secretaries of state and state election directors around the Country to push those dates up. The major parties do what they do and likely have their conventions whenever they deem fit. Pushing that date back 1 week should put it in line with around the time of the political parties.

On the Assembly side, Mr. Lomax mentioned that 1 week for the clerks is a huge deal. A lot of effort goes into producing ballots. While he still produced, printed and sent off the ballots in time, that week for him could mean a lot of money and expedited fees to a printer to get everything done in time to meet the deadline. That is the administrative reason for the change; it pushes up the deadline by 1 week.

The issue Mr. Wagner brought up was the regulation deadline. He suggested moving it to January 31 from the last day in February. The last day in February is still 2 1/2 weeks before the start of candidate filing. That deadline applies to all parties. Mr. Wagner also commented on the way the current deadlines for voter registration are listed—the fifth Sunday preceding the Tuesday, the third Tuesday preceding the election. It is not the cleanest or most ideal language, but it provides a certain date every election because elections are always on a Tuesday. It essentially equates to 30 days before an election. We are not trying to change that.

Ms. Hansen referred to section 54, one of our enforcement provisions. We have not changed how we enforce the notice we give or the process with which we deal with someone who has violated NRS 294A. There is still a requirement to give them notice plus the back and forth with our Office because we want to resolve these things without getting the Attorney General involved unless necessary. That has not changed. The Attorney General's Office has to bring the case and a judge has to make the decision on the penalties. The only

changes we have in section 54 clarify that if we receive information about a candidate, a political party or a nonprofit corporation that is already subject to the provisions laid out in that section, we will deal with them in the same way. The term "person" that now exists would include all of the groups. We intend to clarify and clean up the statute of who would be involved and who is subject to our office dealing with them if enforcement is necessary. Ms. Hansen's concerns are with statute and not the changes.

Section 47 is our request to remove the provision that the Legislative Commission approve our forms. Our forms are no longer a piece of paper. They are now in an electronic database that requires our staff to put together business requirements behind the form design and test. If the Legislative Commission decided it wanted our form to look, function or read differently, it would require time and resources that our Office does not want to spend. What still exists in NRS 294A.373, section 47, is the provision that keeps us from doing anything untoward or requesting certain information not required by statute. With the changes in section 47, the forms designed by the Secretary of State pursuant to this section must only request information specifically required by statute. That is why we cannot ask for cash on hand or an ending fund balance on the reports. We do not see the harm in taking out the provision which requires us to get Legislative Commission approval on the form itself. Statute dictates what we can request. Changes to the form that the Legislative Commission may want could be quite a burden for our Office.

Chair Spearman:

I will now close the hearing on A.B. 48. Ms. Hansen has dutifully complied with my requests. I ask that of everyone who makes statements as though they are fact because NRS 218E.085, subsection 2 requires that any statements made before a legislative committee be factual in basis, and the witness may submit supporting documentation. We need to make sure, because this will be in the record and kept in perpetuity, that everything on the record is correct. We will now open the work session on S.B. 451.

SENATE BILL 451: Directs the Legislative Committee on Child Welfare and Juvenile Justice to conduct an interim study concerning standards of care for specialized foster homes. (BDR S-1084)

Carol M. Stonefield (Policy Analyst):

Senate Bill 451 was heard in this Committee on April 18. I have provided a work session document ([Exhibit C](#)).

Senator Cegavske:

Another amendment was presented. Has that been removed?

Chair Spearman:

Yes.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 451.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Spearman:

I received a statement regarding A.B. 440 from Sergeant First Class Christina Little of the Nevada National Guard that reads:

I do feel that extending the period of early voting would positively impact the military community. There have been a couple occasions where I did not register for an absentee ballot due to the fact I did not know I was leaving, so then I was unable to vote. Also there was a time when I was in Iraq where I did not receive my absentee ballot in time. With extending the period of early voting, that gives the opportunity for service members to establish their vote if they are scheduled to leave or have any unforeseen circumstances that arise. In my view, this bill would definitely improve the voter turnout for service members and let our voices be heard. Thank you for considering my opinion.

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Chair Spearman:

This meeting is now adjourned at 10:18 a.m.

RESPECTFULLY SUBMITTED:

Kaci Kerfeld,
Committee Secretary

APPROVED BY:

Senator Pat Spearman, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	7		Attendance Roster
S.B. 451	C	4	Carol M. Stonefield	Work Session Document